

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 9, 2005. At the time of the Office Action, Claims 1-31 were pending in this Application. Claims 1-31 were rejected. Claims 1, 6-9, 12, 17, 22-24, 27, and 30-31 have been amended. New Claims 32-35 have been added. Applicants respectfully request reconsideration and favorable action in this case.

Claims 1-31 are Allowable.

Claims 1-5, 7, 17, 18, 20, 21, and 23 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,503,252 issued to Henrik Hansson ("*Hansson*").

Claims 1-9 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,264,677 issued to Timothy Simon et al. ("*Simon*").

Claims 10-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Simon* in view of U.S. Patent Application Publication 2002/0116066 issued to Jean-Luc Chauvin et al. ("*Chauvin*").

Claims 19, 22, 24-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Simon* in view of *Chauvin* as applied to Claims 10-16 above, and further in view of *Hansson*.

Applicants respectfully submit that the cited references do not teach or suggest all of the elements of amended Claims 1-32. For example, amended Claim 1 recites

1. A medical implant, comprising:
 - a body including a conical portion having a length, the body adapted for implantation into a person's body; and
 - a plurality of threads formed around an exterior surface of the conical portion of the body and extending along at least a portion of the length of the conical portion, the plurality of threads adapted to help secure the implant in place within the person's body, each of the plurality of threads including a crest having a substantially flat surface;
 - wherein the conical portion of the body has a degree of taper; and
 - wherein the plurality of crests define a cone having the same degree of taper as the conical portion of the body.

The cited references do not teach or suggest these elements.

For example, *Hansson* teaches a threaded bone screw having a tapered, conical core 21. However, the threads 19 formed around core 21 are not tapered. *See, e.g.*, Figures 2-5 and Col. 3, lines 30-36 (discussing outer diameter “YD” of threads 19). Thus, *Hansson* fails to teach or suggest at least “wherein the conical portion of the body has a degree of taper; and wherein the plurality of crests define a cone having the same degree of taper as the conical portion of the body,” as recited in amended Claim 1.

As another example, *Simon* teaches a threaded suture anchor having a tapered, conical root structure 22. *See, e.g.*, Figure 2. Threads 23 are formed around root structure 22, and define thread crests 24. Root structure 22 is tapered to define a root taper angle 26 while the thread crests 24 define a crest taper angle 26. According to *Simon*, “[o]f critical importance is the fact that the crest taper angle is greater than the root taper angle in all embodiment of the present invention.” Col, 2, lines 58-61. Thus, *Simon* fails to teach or suggest at least “wherein the conical portion of the body has a degree of taper; and wherein the plurality of crests define a cone having the same degree of taper as the conical portion of the body,” as recited in amended Claim 1.

As another example, *Chauvin* teaches an expandable, threaded osteosynthesis implant. As shown in the thread profile 11 in Figure 7, the threads have a rounded shape. According to *Chauvin*, “[s]aid rounded shape of the profile minimizes stress concentrations, thus making it possible to withstand large forces and impacts.” *See* Paragraph [0032]. Thus, *Chauvin* fails to teach or suggest at least “each of the plurality of threads including a crest having a substantially flat surface,” as recited in amended Claim 1.

For at least these reasons, none of the cited references do not teach or suggest the elements recited in amended Claim 1. Thus, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as Claims 2-16 that depend therefrom. In addition, for analogous reasons, Applicants respectfully request reconsideration and allowance of amended independent Claim 17, as well as Claims 18-31 that depend therefrom.

New Claims 32-35 are Allowable.

New dependent Claims 32-33 are allowable at least because they depend from independent Claims 1 and 17 shown above to be allowable.

New independent Claim 34 is allowable at least because the cited references do not teach or suggest all of the elements of Claim 34. For example, none of the cited references teach or suggest a body having “a first slot formed in the first threaded portion, the first slot extending from a first end of the body toward a second end of the body opposite the first end; and a second slot formed in the second threaded portion, the second slot extending from the second end of the body toward the first end of the body, the second slot being distinct from the first slot.”

New dependent Claim 35 is allowable at least because it depends from new Claim 34 discussed above.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-35 as amended.

Applicants enclose a Fee Transmittal and a check in the amount of \$200.00 for new claims 32-35.

Applicants believe there are no further fees due at this time; however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2689.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Eric M. Grabski
Reg. No. 51,749

Date: March 8, 2006

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.

CUSTOMER ACCOUNT NO. **05073**

512.322.2689

512.322.8320 (fax)